

# **TAB H**

**GORDON HALEY LLP**  
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April 18, 2005

By Hand

Michael R. Bernardo, Esquire  
Conn Kavanaugh Rosenthal Peisch & Ford, LLP  
Ten Post Office Square  
Boston, Massachusetts 02109

Re: Casas, Benjamin & White, LLC v. The Pointe Group, Inc. et al  
USDC Case No. 04-CV-12333-MEL

Dear Michael:

While not included in your letter of April 8, 2005 to counsel, I have now received copies of the Subpoenas for the keeper of the records depositions of Cranberry Pointe Nursing Home, Inc., Cranberry Pointe Partnership, Chestnut Hill Life Care Realty, LLC, Hammond Pointe Nursing Home, LLC and Boylston Place at Chestnut Hill, LLC. As you know, I was not able to accept service of the subpoenas for any of those entities and I do not agree that they were properly served. Nonetheless, subject to the objections to document production set forth below, the keeper of the records of each will appear at the time and place designated for appearance in the Notices of Deposition (except for the one conflict noted below).

Accordingly, the keeper of the records of Chestnut Hill Life Care Realty, LLC will appear at your offices on April 25, 2005 at 10:00 a.m. The keepers of the records of Hammond Pointe Nursing Home, LLC and Cranberry Pointe Partnership will appear at your offices at 10:00 a.m. and 2:00 p.m., respectively, on April 26, 2005 (although my deposition will have to be delayed or paused for what I expect to be brief keeper of records depositions). The keeper of the records of Boylston Place at Chestnut Hill, LLC will appear at your offices at 10:00 a.m. on April 27, 2005. With respect to the deposition of the keeper of the records of Cranberry Pointe Nursing Home, Inc., I, unfortunately, have a long-scheduled Summary Judgment hearing in Middlesex Superior Court at 2:00 p.m. on April 27, 2005. Would it be possible to have the Cranberry Pointe Nursing Home, Inc. keeper of the record's deposition immediately following the Boylston Place at Chestnut Hill, LLC keeper of the record's deposition on the same day?

On behalf of Chestnut Hill Life Care Realty, LLC, Hammond Pointe Nursing Home, LLC, Cranberry Pointe Partnership, Boylston Place at Chestnut Hill, LLC and Cranberry Pointe

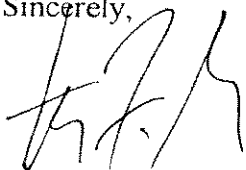
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Nursing Home, Inc., objection is hereby made to the production and copying of all of the documents sought. The requested production would be onerous and burdensome on these non-parties and much of the documentation would involve serious privacy issues (of residents, not the entities) and would not be relevant to this litigation nor likely to lead to relevant evidence. Additionally, documents which might be relevant would be redundant of that already produced by the parties to this litigation.

Please let me know whether you are able to change only the time of the Cranberry Pointe Nursing Home, Inc. keeper of the records deposition or wish to make some other change.

Sincerely,

A handwritten signature in black ink, appearing to be 'S.F. Gordon', written over a horizontal line.

Stephen F. Gordon  
SFG:vsh

cc: W. Scott O'Connell, Esquire (By First Class Mail)  
Erin K. Higgins, Esquire (By First Class Mail)  
Todd B. Gordon, Esquire